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                     UNITED STATES DISTRICT COURT
16
                          DISTRICT OF NEVADA
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18   ORACLE USA, INC., a Colorado corporation;   Case No 2:10-cv-00106-LRH-PAL
     ORACLE AMERICA, INC., a Delaware
19   corporation; and ORACLE INTERNATIONAL   **PLAINTIFFS' MOTION TO SEAL**
     CORPORATION, a California corporation,   **UNREDACTED COPY OF**
20   **PLAINTIFFS' MOTION TO MODIFY**
             Plaintiffs,   **PROTECTIVE ORDER AND**
21   v.   **EXHIBITS A, D, AND E TO THE**
                                                 DECLARATION OF CHAD RUSSELL
22   RIMINI STREET, INC., a Nevada corporation;
     SETH RAVIN, an individual,
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             Defendants.
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PLAINTIFFS' MOTION TO SEAL

1   Pursuant to the Stipulated Protective Order governing confidentiality of documents

2   entered by the Court on May 21, 2010, Dkt. 55 ("Protective Order"), and Rules 5.2 and 26(c) of

3   the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and

4   Oracle International Corporation (together "Oracle" or "Plaintiffs") respectfully request that the

5   Court order the Clerk of the Court to file under seal an unredacted copy of Plaintiffs' Motion to

6   Modify Protective Order (the "Motion to Modify"), as well as Exhibits A, D, and E to the

7   Declaration of Chad Russell in Support of Plaintiffs' Motion to Modify Protective Order

8   ("Russell Declaration"). An unredacted copy of the Motion to Modify, as well as Exhibits A, D,

9   and E were individually lodged under seal with the Court on March 12, 2012. *See* Dkt. 274-277.

10   Sealing the unredacted Motion to Modify is requested because the redacted portions of

11   the motion contains information that CedarCrestone, Inc. ("CedarCrestone"), the party which

12   produced the information, has designated as "Confidential Information" and "Highly

13   Confidential Information - Attorneys' Eyes Only" under the terms of the Protective Order.

14   Likewise sealing of Exhibits A, D, and E is requested because these documents have been

15   designated as "Confidential Information" and "Highly Confidential Information - Attorneys'

16   Eyes Only" by CedarCrestone. The Protective Order states, "Counsel for any Designating Party

17   may designate any Discovery Material as 'Confidential Information' or 'Highly Confidential

18   Information – Attorneys' Eyes Only' under the terms of this Protective Order **only if such**

19   **counsel in good faith believes that such Discovery Material contains such information and**

20   **is subject to protection under Federal Rule of Civil Procedure 26(c).** The designation by any

21   Designating Party of any Discovery Material as 'Confidential Information' or 'Highly

22   Confidential Information – Attorneys' Eyes Only' shall constitute a representation that an

23   attorney for the Designating Party reasonably believes there is a valid basis for such

24   designation." Protective Order ¶ 2 (emphasis supplied).

25   CedarCrestone has identified the information redacted in the Motion to Modify as well as

26   Exhibits A, D, and E as Confidential and Highly Confidential, and therefore CedarCrestone has

27   represented that good cause exists for sealing those portions of the documents. This is a

28   sufficient showing of good cause to permit a sealing order on a non-dispositive motion. *See,*

1   *e.g., Pacific Gas and Elec. Co. v. Lynch*, 216 F. Supp. 2d 1016, 1027 (N.D. Cal. 2002).

2   Oracle has submitted all non-redacted portion so the Motion to Modify as well as all

3   other exhibits to the Russell Declaration for filing in the Court's public files, which would allow

4   public access to all but the redacted portions of the Motion to Modify and Exhibits A, D, and E.

5   Accordingly, the request to seal is narrowly tailored.

6   For the foregoing reasons, Oracle respectfully requests that the Court find that good cause

7   exists to file under seal the unredacted copy of the Motion to Modify and Exhibit A, D, and E to

8   the Russell Declaration.

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10   DATED: May 14, 2012   BINGHAM McCUTCHEN LLP

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12   By: /s/ Geoffrey M. Howard

13   Geoffrey M. Howard
                                             Attorneys for Plaintiffs

14   Oracle USA, Inc., Oracle America, Inc.,
                                             and Oracle International Corp.

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PLAINTIFFS' MOTION TO SEAL